

**CALIFORNIA COASTAL COMMISSION**

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# Th6a



March 25, 2004

TO: Commissioners and Interested Persons

FROM: Diane Landry, District Manager  
Jonathan Bishop, Coastal Program Analyst

SUBJECT: **CITY OF GROVER BEACH: LOCAL COASTAL PROGRAM  
MAJOR AMENDMENT NO. 1-04.** For public hearing and Commission action at its meeting of April 15th, 2004, to be held at the Radisson Santa Barbara, 1111 E. Cabrillo Blvd., Santa Barbara, CA 93103.

## **SUMMARY OF STAFF REPORT**

### **DESCRIPTION OF AMENDMENT REQUEST**

The City of Grover Beach is proposing to amend the Zoning/Implementation portion of its Local Coastal Program to:

1. Add adult businesses to the list of permitted uses within the C-I (Coastal Industrial) Zoning District.

The standard of review for Zoning/Implementation Plan amendments is that they must be consistent with, and adequate to carry out, the policies of the certified Coastal Land Use Plan.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission **approve** the proposed amendment as submitted by the City for the reasons given in this report. No major Coastal Act issues are identified.

### **SUMMARY OF ISSUES AND COMMENTS**

There are no known unresolved issues with the proposed amendments.

### **ADDITIONAL INFORMATION**

For further information about this report or the amendment process, please contact Jonathan Bishop or Rick Hyman, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (831) 427-4863.

### **ATTACHMENTS**

Resolution Of Proposed Amendments

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## **I. STAFF RECOMMENDATION**

### **MOTION AND RESOLUTION**

#### **APPROVAL OF IMPLEMENTATION PLAN AMENDMENT #1-04 AS SUBMITTED**

##### **MOTION:**

I move that the Commission reject Major Amendment #1-04 to the City of Grover Beach Local Coastal Program Zoning/Implementation Plan as submitted by the City.

Staff recommends a **NO** vote, which would result in approval of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment.

##### **RESOLUTION:**

The Commission hereby certifies Major Amendment #1-04 to the Zoning/Implementation Plan of the City of Grover Beach LCP, for the specific reasons discussed in the following findings, on the grounds that, the amendment conforms with and is adequate to carry out the certified Land Use Plan; and approval of the amendment will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

## **II. RECOMMENDED FINDINGS**

### **A. CONFORMANCE OF IMPLEMENTATION PLAN AMENDMENTS WITH THE LAND USE PLAN**

The Commission finds and declares for the following Major Amendment # 1-04:

#### **1. Add adult businesses to the C-I (Coastal Industrial) Zoning District.**

On January 20, 2004, the City Council of the City of Grover Beach adopted Resolution No. 04-08 for a zoning ordinance text amendment to add adult businesses as a permitted use within the Coastal Industrial (C-I) zoning district. The amendment changes the use title from "adult-oriented recreational businesses" to "adult businesses," then modifies Table 2 entitled "Uses Permitted Within Industrial Districts" on page IX-110 of the zoning ordinance to include adult businesses as a permitted use. In addition, the amendment inserts definitions for a number of different types of adult businesses. Please see Exhibit 1 for the applicable City Council Resolutions and a complete copy of the text amendment (Ordinance No.04-02).

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of an LCP incorporates and refines the Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP, typically sets out the various zone districts and site regulations that are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be

consistent with and adequate to carry out the policies of the LUP and the LUP must be consistent with the Coastal Act.

In this case, the City of Grover Beach is proposing to amend the Implementation Plan (IP), or zoning portion of the LCP. The standard of review for zoning/implementation Plan amendments is that they must be consistent with, and adequate to carry out, the policies of the certified Land Use Plan.

The proposed addition of adult businesses to the list of permitted uses within the C-I (Coastal Industrial) Zoning District is consistent with the City of Grover Beach Land Use Plan because: 1) The Land Use Plan (LUP) does not contain any standards precluding or specific to adult businesses in the C-I Zoning District; 2) The amendment is generally consistent with the intent and pattern of existing developed areas within the C-I Zoning District; and 3) There are no impacts to coastal resources and/or public access and recreation as result of the proposed amendment

The proposed Zoning/Implementation Plan (IP) amendment is consistent with, and adequate to carry out, the policies of the City of Grover Beach certified Coastal Land Use Plan. Therefore, Staff recommends approval of the amendment as submitted.

#### **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Coastal Commission's review and development process for LCP's and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City in this case drafted a Negative Declaration for the proposed amendments under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has not recommended any modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Land Use Plan findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives, nor feasible mitigation measures available, which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).